REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 2, 5, 6, 10, 13 and 14 are cancelled. Claims 1, 3, 4, 8, 9, 11, 12, 16-20 and 22 are amended. Claims 1, 3, 4, 7-9, 11, 12 and 15-23 are pending.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because: the amendments were not earlier presented because the Applicant believed in good faith that the cited references did not disclose the present invention as previously claimed; and the amendment does not significantly alter the scope of the claim and places the application at least into a better form for purposes of appeal.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

I. Rejection under 35 U.S.C. § 103

In the Office Action, at page 2, numbered paragraph 2, claims 1-3, 5, 7, 9-11, 13, 15 and 17-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,181,670 to Nagasato et al. in view of U.S. Patent No. 6,341,104 to Yamaguchi et al. This rejection is respectfully traversed because the combination of the teachings of Nagasato and Yamaguchi does not suggest:

> a focusing coil member and a tracking coil member installed on the base, separated from each other; and
>
> a single magnet member installed on the blade between the focusing coil member and tracking coil member,
>
> wherein the focusing coil member, the tracking coil member and the single magnet member are installed on one side of the objective lens,

as recited in amended independent claim 1.

Nagasato discusses an objective lens mounting apparatus and driving device that includes a lens holder 2 having an objective lens 1 disposed in the middle of the lens holder 2, support members 122, 124 attached to a support block 6 and attached to the lens holder 2, and multiple magnets 116, 118 integrally affixed to the blade 2. The device further includes two coil assemblies 112, 114, each having a focusing coil, a tracking coil, a radial tilt coil, a tangential tilt coil and a magnetic block 136, 138.

First, as to the magnet, due to the use of multiple coil assemblies 112, 114, Nagasato requires the use of multiple magnets 116, 118 to control the objective lens driving apparatus, thereby increasing the size of the apparatus. In contrast, the present invention of claim 1, for example, includes a single magnet member that is installed on the blade between the single focusing coil member and the single tracking coil member.

In addition, as conceded by the Examiner, Nagasato does not discuss or suggest that the focusing coil member, the tracking coil member and the single magnet member are installed on one side of the objective lens. The Examiner indicates that Yamaguchi makes up for the deficiencies in Nagasato, alleging that "[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to include the concept of installing all of the elements on one side of the objective lens into the system of Nagasato et al. as taught by Yamaguchi et al. [in order] to reduce the device in size and thickness." The Applicants respectfully disagree.

Yamaguchi discusses an optical pickup apparatus that includes an objective lens holding cylinder 40 supported by two elastic tilt members 47 and mounted to a suspension holder 50 through junction substrate members 48 and four wires 49. The cylinder 40 has a space portion and an opening portion rigidly provided with coils. At four divided sections or corners of the opening portion in Yamaguchi are first through fourth focus coils 41-44 wound on a plane parallel to the disk surface. Yamaguchi further discusses that first and second tracking coils 45 and 46 are installed in a gap between the first 41 and third 43 focus coils and the second 42 and fourth focus coils 44, respectively, which are wound on a plane perpendicular to the disk surface.

First, Yamaguchi does not discuss or suggest the use of a focusing coil member, a tracking coil member and a single magnet member. Yamaguchi discusses focusing coils 41-44, tracking coils 45-46 and magnets 54.

Second, while the motivation to combine the references explains why the coils 41-46 and magnets 54 of Yamaguchi would be provided at one side of the objective lens 7, the motivation of reducing the device in size and thickness does not suggest how or why the coil assemblies

112, 114 and magnets 116, 118 would be all installed on one side of the objective lens 1. In particular, if the coil assemblies 112, 114 and the magnets 116, 118 of Nagasato were installed on one side of the lens 1, the apparatus of Nagasato would not be able to perform its intended purpose, i.e., driving the objective lens 1 such that the tilt of the lens 1 relative to a surface of an optical disk is corrected. The coil assemblies 112, 114 are disposed on either side of the lens holder 2, supported against the lens holder 2 by the attraction between the magnets 116, 118 and the magnetic blocks 136, 138 internal to the coil assemblies 112, 114. If the coil assemblies 112, 114 and the magnets 116, 118 were all located on one side of the lens 1, the tilt of the lens 1 relative to the surface of the optical disk would not be able to be corrected as the lens holder 2 would not be able to be stabilized between two magnets, as in Fig. 4(a), in order to accurately support the lens holder 2 in an untilted direction. Thus, the proposed modification would render the invention of Nagasato unsatisfactory for its intended purpose.

M.P.E.P. § 2143.01 particularly specifies that "[i]f [the] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Here, if Nagasato were to be modified in light of the disclosure in Yamaguchi, the optical lens apparatus of Nagasato would be rendered unsatisfactory for its intended purpose and would not be able to perform the functions of the invention for which it was intended. Thus, while the motivation cited explains why one of ordinary skill in the art would place the coils 41-46 and magnets 54 of Yamaguchi on the same side of the objective lens, the motivation cited would not have led one of ordinary skill in the art to combine the teachings of the optical lens apparatus of Nagasato with the apparatus of Yamaguchi.

Therefore, as the combination of the teachings of Nagasato and Yamaguchi does not suggest "a focusing coil member and a tracking coil member installed on the base, separated from each other; and a single magnet member installed on the blade between the focusing coil member and tracking coil member, wherein the focusing coil member, the tracking coil member and the single magnet member are installed on one side of the objective lens," as recited in amended independent claim 1, and as the combination of the references would render Nagasato unsatisfactory for its intended purpose, claim 1 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Further, the combination of the teachings of Nagasato and Yamaguchi does not suggest "a focusing coil member and a tracking coil member installed on the base, separated from each

other; and a single magnet member installed on the blade between the focusing coil member and the tracking coil member, wherein the focusing coil member, the tracking coil member and the single magnet member are installed on one side of the objective lens," as recited in amended independent claim 9. In addition, the combination of the references would render Nagasato unsatisfactory for its intended purpose. Therefore, claim 9 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Also, the combination of the teachings of Nagasato and Yamaguchi does not suggest "driving a coil system including a focusing coil member and a tracking coil member, separated from the blade, such that an interaction with a single magnet on the blade by one of the focusing coil member and the tracking coil member controls the moving of the blade in the tracking and/or focusing directions," as recited in amended independent claim 17. In addition, the combination of the references would render Nagasato unsatisfactory for its intended purpose. Therefore, claim 17 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 2, 3, 5, 7, 10, 11, 13, 15 and 18-23 depend either directly or indirectly from independent claims 1, 9 and 17 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the reference relied upon. For example, claim 23 recites "performing the optical pickup actuating method of claim 19 to control the recording and/or reproducing of data to/from the recording medium to generate the electrical signal registered as the stored data, when performing the reproducing process, or to stored data on the recording medium based on the electrical signal, when performing the recording process." Therefore, claims 2, 3, 5, 7, 10, 11, 13, 15 and 18-23 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

In the Office Action, at pages 6-8, numbered paragraphs 3 and 4, claims 4, 6, 8, 12, 14 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over to Nagasato in view of Yamaguchi, further in view of U.S. Patent No. 2003/0198148 to Choi. This rejection is respectfully traversed.

As discussed above with respect to independent claims 1 and 9, the combination of the teachings of Nagasato and Yamaguchi does not suggest all the features of claims 1 and 9. Choi fails to make up for the deficiencies in Nagasato and Yamaguchi. Claims 4, 6, 8, 12, 14 and 16 depend either directly or indirectly from independent claims 1 and 9 and include all the features

of claims 1 and 9, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 4 recites that "the pair of tilt driving coil members are installed under the one coil member used as the focusing coil member." Therefore, claims 4, 6, 8, 12, 14 and 16 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejections is respectfully requested.

Conclusion

In accordance with the foregoing, claims 2, 5, 6, 10, 13 and 14 have been cancelled. Claims 1, 3, 4, 8, 9, 11, 12, 16-20 and 22 have been amended. Claims 1, 3, 4, 7-9, 11, 12 and 15-23 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

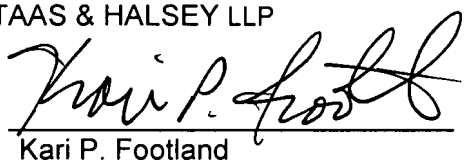
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: November 19, 2007

By: 

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